

1 Edward J. Maney, Trustee
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7 IN THE UNITED STATES BANKRUPTCY COURT
8 FOR THE DISTRICT OF ARIZONA

9 In re:) CHAPTER 13 BANKRUPTCY
10 Sherry L. Kelloway) CASE NO. 2-09-bk-31180-CGC
11 xxx-xx-9721) DISMISSAL ORDER
12 _____ Debtor(s))

13 It having been shown to the Court that the Debtor(s) has failed to comply with the Court
14 requirement concerning:

15 Pursuant to the Trustee's Recommendation entered 6/30/10, docket #27, Debtor(s) failed to
16 resolve any/all items in the Recommendation, bring and keep Plan payments current and
17 submit the Stipulated Order as required on or before 7/30/10. **Debtor is currently delinquent**
\$7,890.00 with another Plan payment of \$1,781.00 due on 5/2/11. Trustee notes that no
18 Motions to Extend Time appear on the Court's Docket.

19 **IF DEBTOR(S) OBJECT TO THIS DISMISSAL ORDER, THE**
20 **TRUSTEE REQUIRES THE DEBTORS TO SET THIS**
21 **MATTER FOR HEARING**

22 **NOW THEREFORE, IT IS ORDERED,**

23
24 (A) This case is dismissed and the Clerk of the Court will give notice of the dismissal to all
25 creditors;

26 (B) A motion to reinstate the case may be granted without a hearing if the Trustee approves the
27 proposed reinstatement order. If the Trustee does not approve reinstatement of the case, the matter
28 may be set for hearing upon the Debtor(s) motion. The Court may set a hearing on the Debtor(s)

1 motion to reinstate on the request of an interested party who had joined the Trustee's request for
2 dismissal;

3 (C) Pursuant to 28 U.S.C. § 586(e)(2), the Trustee shall be paid his percentage fee from all
4 payments received from the Debtor(s);

5 (D) After payment of the Trustee's percentage fee, the Trustee will retain the Debtor(s) funds
6 pending Court approval of the payment of administrative expenses of the Debtor(s) attorney. If the
7 Debtor(s) Chapter 13 Plan contained an Application for the Payment of Administrative Expenses to the
8 Debtor(s) attorney and no party filed an objection to the Application, then the Debtor(s) attorney may
9 lodge an Order approving the Application within ten days after the Court enters this Dismissal Order.

10 Alternatively, the Debtor(s) attorney has ten days from the Court entering this Dismissal Order to file a
11 {separate fee application};

12 (E) If the Court previously entered a payroll deduction order on one or both of the Debtor(s)
13 wages, then the Court vacates that order; and

14 (F) Except as may be stated herein, all pending adversary proceedings, contested matters, and
15 administrative hearings relating to this case are vacated.
16

17
18 **ORDERED AND ENTERED AS DATED ABOVE.**
19

20 Lodged with the Court and mailed on
21 See Electronic Signature Block to:

22 John A. Banker
23 145 N. White Mountain Rd., #G
24 Show Low, AZ 85901

25 Sherry Kelloway
26 1733 W. Stagecoach Lane
27 Snowflake, AZ 85937
28

Clerk, Chapter 13 Trustee